

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

493J0492

SENATE BILL NO. 90

Introduced by: Senators de Hueck, Abdallah, Bogue, Knudson, and Moore and
Representatives Rounds, Gillespie, Hanson, Hargens, Michels, Nesselhuf,
O'Brien, Olson (Ryan), and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to repeal the discretion of the court to sentence persons to
2 the penitentiary for an indeterminate term.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-27-37 be repealed.

5 ~~— 23A-27-37. Whenever any person is convicted of an offense punishable by imprisonment~~
6 ~~in the state penitentiary, the court, in its discretion, may sentence such person to the penitentiary~~
7 ~~for an indeterminate term. Such term may not be less than the minimum sentence provided by~~
8 ~~law for the crime of which the person was convicted, if the law provides for a minimum~~
9 ~~sentence, nor longer than the maximum, if a maximum sentence is provided for by law. The~~
10 ~~Board of Pardons and Paroles shall determine the term of sentence upon facts and conclusions~~
11 ~~established by study and observation of the habits, disposition, character, conduct, and general~~
12 ~~tendencies of the convict.~~

